SPEECH

OF

HARVEY PUTNAM, OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES, TUESDAY, JULY 30, 1850,

In Committee of the Whole on the state of the Union, on the bill making appropriations for the payment of Revolutionary Pensioners.

Mr. PUTNAM said:

Mr. CHAIRMAN: On the motion just made to lay aside the California message, in order to take up appropriation bills, I voted in the negative. A majority, however, has decided that the latter shall have preference; and the chairman of the Committee of Ways and Means has presented to the committee the bill for paying revolutionary pensioners. I am in favor of the bill. A nation's gratitude was never more justly merited. It is fit and becoming the country to relieve the wants and ameliorate the condition of the revolutionary soldier. He periled his life to establish freedom and liberty for his country. No argument is necessary to induce the passage of such a bill. But, sir, I consider this as not an inappropriate occasion to refer to some of those *principles*, which the revolutionary soldier labored to establish; and propose to speak of the message of the late President to Congress, touching the admission of California as a State into the Union.

That any beneficial results will grow out of further debate on the question, is, perhaps, problematical. We have had strong and unmistakeable indications from a large portion, if not all the members, respecting their several opinions; and under the circumstances, it may look like presumption in me, should I venture to hope that anything I can present, will alter the opinion of any member, or even aid in any degree, in quieting the agitations of the country. And, sir, judging from present indications, I hazard not much in saying, that such a work can be accomplished,—not by the clearest demonstrations of human wisdom, but only by a power higher than that conferred on any mortal mind, overruling and directing the councils of the nation, and by whose beneficent providence this Republic has shared a hitherto unexampled prosperity.

But, sir, as I only follow an almost universal precedent, I trust I shall be pardoned for occupying the portion of time allotted to members in debate. And, Mr. Chairman, in our review of the all-engrossing theme of thought and discussion, it may not be amiss for a moment to look away from the subject-matter which I have under consideration.

From the humblest beginning we have become, under the favor of Providence, a mighty Republic, with a government of laws unsurpassed for their wisdom and justice; knowing among its freemen no privileged classes, recognizing no arbitrary or royal distinctions. With the whole history of our country we have, as a nation, reason to be proud.

The great and wise men of the Revolution, sustained by the patriotic masses, whose every heart beat for liberty, secured for us the freest and noblest institutions in the world. From that period we have ever been on the advance in every element of national power, or of individual happiness. We have firmly maintained and advanced our positions in the family of nations. We have again and again demonstrated our supremacy as a military people; every day chronicles the triumphs of American arts and sciences. Every man sits under "his own vine and fig tree," enjoying the full protection of the laws, reposing in perfect security under the guarantees of the Constitution. What American is not proud of his country—what price can tempt any man to put forth a treasonable hand to destroy this our political fabric—this Republic of confederated States—this free Government, which has done, and is doing, so much for man and civil freedom all over the world? The question for us and this nation to determine is, whether these blessings shall be perpetuated and handed down to future generations; or whether this fair fabric shall be shivered to atoms, and the hopes of a world blasted forever

Now, sir, for one, I feel that it is most desirable to preserve such a Government and such a Union as this,—that it is worth the effort to surrender every sectional prejudice, suppress every unhallowed desire, and, in the spirit of '76, unite our efforts for the preservation of the national compact. A wise physician, sir, seeks for the causes of disease before he rashly applies remedies. Let us imitate this prudence, and inquire the source of the ills which now threaten the very being of the body politic. I am not ignorant of the fact, that circumstances—such as place, education, social and municipal relations—often have much to do in forming the will and controlling the judgment, leading to narrow and uncharitable conclusions. My desire is to understand the true condition of the issue before the country, and whether any occasion exists for the present excitement, and where, and with whom, may be found its origin. In the examination, I am aware that I start upon a voyage unpropitious,

and doubtful of any good. On the threshold, I am met with prejudices, fastened upon the mind by sectional interests—with the demagogue, ready to sever in twain this Union, if necessary to succeed in his unhallowed designs—with fanaticism of the North as well as the South, closing up every avenue, if possible, against an admittance of the least ray of light, and arresting the progress of measures necessary and important for the peace and welfare of the country.

Sir, I think I can say I know no North, no South, in contradistinction to the entire Union. We tread on dangerous ground when we recognize territorial divisions, having antagonist interests, and concede that there are legitimate elements of discord and disunion in the different extremes of the country. We thereby invite separation, and with our own hands scatter the seeds of disunion. The Constitution, though carefully framed as it was, with a view of protecting every section and interest, has not the power to hold us together, unless it is met *fairly* and sustained in its true spirit, by the whole country. No one has a right to lay violent hands upon the Constitution. No man has a right to give to that instrument forced or unwarrantable constructions, for the purpose of sustaining local views and peculiar institutions. It is the platform for the whole country—for the North and the South; and by it the question of slavery, so far as it stands affected by the Constitution, as is every other one arising under it, must be decided.

What is the relative position of the northern and southern States on the subject of slavery? The North or free States disown all participation in the institution. Freely and voluntarily, as a question of *principle* and public duty, as well as of public interest, she long since abrogated every vestige of the institution; and every man is in the enjoyment of that freedom which the principles of our political institutions profess to guaranty to American citizens.

On the other hand, the southern States have established the principle, that man may hold property in his fellow-man. The result of which is, that a being formed in the "image of God," is reduced to a mere chattel, with little higher character or more elevated relations than the brutes that perish. In such a use of the sacred rights of man—in a code of laws establishing such an institution—in such a sacrifice of the inalienable rights of man, the free States desire not to have, and will not have any participation. The North will yield to the South every inch the Constitution gives her; when they go further, they become accessory to slavery. The claims of the South, under the Constitution, should be sacredly carried out; and when she asks either extension or protection in the Territories, she asks more than it gives her, and more than the principles of freedom or the natural rights of man will concede to her. The time has come when these claims are to be fairly met, and they must abide the test of their trial.

Mr. Chairman, it is not unfrequently charged upon the North, that there is a systematic organization against southern slavery, *the object and tendency of which, are, to violate their laws and interfere with slavery in the States.* There may be some who have such designs, and whose vitiated philanthropy, restless under the restraints of the Constitution, may lead them beyond its landmarks; but I trust the number is small. Such are not worthy of a citizenship under the laws of the Government. Every infringement of State rights protected by the Constitution, is a dereliction from duty and national obligation. Any such declared purpose, made here or elsewhere, with a present or ulterior design to violate the laws of sister States, will not meet with the approval of any honest or well-disposed citizen. But, sir, it is not true that any considerable portion of the inhabitants of the free States entertain such designs. They are a law-loving and law-abiding people, and have no disposition to interfere with State rights, or with the adjustments of the Constitution.

I have said thus much in answer to the charge, whether made designedly to keep up an excitement which has already attained too great an eminence, or with a sincere belief, that any such attack is really intended upon the laws and institutions of the southern States. It is due to the North that such an imputation should be met and controverted; and to the South to understand that her every right, protected by the Constitution, will be respected by the North.

Mr. Chairman, I need not say that I am a northern man, and come from a constituency opposed to slavery, though as decided in its attachments to the entire Union and its laws, as that of any other member on this floor; yet, sir, I hope to deal justly with the South, and will yield to her all she can claim in behalf of slavery under the national compact. It is my privilege to review the premises upon which her particular claims are based, and test them and their authority by the provisions of the Constitution.

Passing by the circumstances which led to the admission of Texas, with slavery in her constitution, fastened irrevocably upon her for all time to come; passing by the unjustifiable war upon a neighboring Republic, the immediate result of the admission of Texas—a war for conquest and for the special object of further extending slavery—I pass on to consider the claims of the South for extending her institution over our newly-acquired territories. She demands an equal participation in them with the North. This is a just and self-evident proposition, and no member from a free State will attempt to controvert it. But we differ as to what constitutes an equal occupancy. Occupying upon the same terms and conditions, would be to have in common the same rights and advantages, each take into the territory such property, and such only, the claim to which is founded on those *general laws which are recognized by all nations as conferring right of property*, independent of municipal law. But the South claims to carry her special or slave property there and be protected in its posession, the right to which, is derived from, and held only by local or municipal laws founded upon usage, or adopted by State legislation. Title to property in things personal does not conflict with any *natural* right; but laws creating slavery, abrogate a law of our nature and annul the inherent right of man to himself. We recognize a right to no property but such as is sustained by universal consent and is consistent with natural justice; whilst they, sir, by local and special laws, create property in man. Such a right should rather be restricted than extended.

Under such circumstances, it is impossible to

avoid seeing, that the South—not the North—is making distinctions in property, and discrimination in the use of the public lands. It seems to me that every unprejudiced mind is able to see the injustice of the charge, that we are "appropriating the fruits of victory exclusively to ourselves."

For a settlement of the question, the South proposes to divide the acquisitions; but too many objections hang around such a compromise, a few only of which will I refer to.

First. The Jeffersonian ordinance of 1787 was extended over all the territory over which Congress had jurisdiction. I infer that the design was to keep slavery within its then limits, restraining its extension by a prohibitory ordinance, indicating thereby, that at that day slavery was deemed wholly incompatible with our institutions.

Second. Such an expression of the sense of the country teaches a moral lesson, which cannot be disregarded without treading under foot the principles of our fathers, whose sentiments, as to national rights and duties, it does not become us entirely to disregard.

Third. The slavery of our fellow-man, being a deprivation of natural rights, is a violation of the highest law of God and man. These are the sentiments of the free States, and in them they have the concurrence of the civilized world. Under such circumstances, the North declines such a compromise.

Again, sir; the South ought not to press it. She knows that the liberal disinterested opinion of the country, north and south, is averse to slavery.

If, therefore, she has any regard for the peace and harmony of the Union, she should not again agitate the country, nor insist upon a division of the territory for slavery, thus adding another living cause of discontent and of evil. The South knows that no mercenary motive, no design of securing political preponderance, induces the opinions and the action of the North on this occasion, but that her opposition rests upon other well-known and justifiable grounds.

I have endeavored to show that the South, independent of *legal* claims, has no cause to complain of the North, and that she ought to be satisfied to occupy the public domain on equal terms and conditions. This would seem to be a fair arrangement; and yet she declines and claims that under the Constitution she has a right to admittance there with her slave property, and is entitled to its enjoyment under the laws of the country. Under such circumstances it becomes important to understand what are her constitutional rights, (and such all are bound to respect,) and how far the Constitution sustains her assumptions. In starting upon the discussion, it may not be amiss to refer to some general rules which have a bearing upon the question:

First. That the laws of nature, and all social and moral relations, confer upon man a right in himself. Such native right is an innate principle, and not dependent upon human laws.

Second. Slavery is founded on municipal law, is an infringement upon natural rights, has no existence beyond the limits of the power creating it, and therefore a slave cannot be taken beyond those limits and property retained, except there be some legislative provision existing in the State or Territory where he may be taken, protecting the owner's right to this species of property. The demonstration of these propositions is conclusive against this southern claim, and to this, in my humble way, I propose to address myself.

Though it may at this day be a truism, that slavery is founded on municipal law; yet I will cite the case of James Summersett, a negro, decided in the King's Bench, England, in 1772, and reported in the twentieth volume of State Trials. The negro was taken to England by his master from Jamaica as a body servant, intending to return to Jamaica. The case was elaborately argued in behalf of the slave as well as his master. In delivering the opinion of the court, Lord Mansfield said: "The state of slavery is of such a nature that it is incapable of being introduced on any reasons, moral or political, but only by positive law. * * * It is so odious that nothing can be suffered to support it but positive law." There being no law or custom in England to support slavery, or to protect even in case of a temporary visit, the negro was set at liberty by the court. The moment, therefore, a slave arrived in England he assumed his right to himself, and the local power which made him a slave ceased its control over him when he arrived where no such restraint existed. The principle which this case establishes is this, that the moment a slave by the permission of his master passes out side of the lines of the slave into free Territory, the local laws cease their operation, and the superior and sovereign right of man to himself, is restored. This decision of the court of King's Bench has been adopted by our State and Federal courts. In the case of Prigg in the United States court, Justice Story says: "The state of slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of the territorial laws."—(16 Peters' Rep.) In the case of Lunsford against Caquillon, (14 Martin's Rep.) in Louisiana, the court say: "The relation of owner and slave is, in the States of this Union in which it has a legal existence, a creature of the municipal law." The same principle is declared by the court in Kentucky; in the case of Rankin against Lydia, (3d Marshall, 470,) they say: "Slavery is sanctioned by the laws of this State, but we consider this as a right existing by positive law of a municipal character, WITHOUT FOUNDATION IN THE LAW OF NATURE." In the case of Forbes against Cochrane, (2 Barn. and Cresw., 448,) Best, justice, said: "Slavery is a local law, and therefore, if a man wishes to preserve his slaves, let him attach them to him by affection, or make fast the bars of their prison, or rivet well their chains, *for the instant they get beyond the limits where slavery is recognized by the local law*, they have broken their chains, they have escaped from their prison."

The doctrine is well settled, that property in slaves is dependent upon State or local law, whose restraints cannot pass beyond the power of its creation. This kind of property, therefore, does not, as a legal consequence, *follow the person.* In this particular it is unlike those commodities, or property in general, which are everywhere, and by all nations, recognized, and deemed subjects of property, as to which no local laws are necessary to give title. The effect upon the rights of the master is the same in the absence of prohibitory laws, or laws abolishing slavery; for a power conferred by municipal law in *derogation of natural rights*, being limited to the territory of its creation, evi-

dently needs no penal or prohibitory laws to prevent its operation beyond such limits.

My object, Mr. Chairman, has been to bring to the notice of the committee, and to establish by authorities, the general rule of law relating to slavery, and thereby show the limit and extent of the authority under which the institution derives all its power. We see, then, that it is clearly of a local origin, and of course must be limited in its operation. The inevitable and legal sequence is, that a slave taken into a free State, or into one of the Territories of the Union, is equally fatal, and the relation of master and servant is thereby dissolved, unless, as to the Territory, there is a municipal law sustaining the right.

That the Territories are excepted from the rules applicable to the States, and that the Constitution confers the right to take slaves into the Territories, on the ground that they are the common property of the Union, is the doctrine of the South. This claim is made with apparent sincerity and in great confidence; the latter, however, in such a manner, that in the absence of argument, I have almost been led to suspect the former was but an outward show. Many speeches have been made on this floor by gentlemen from the South, containing a full amount of positive declaration and averment, but I have not had the pleasure of listening to one, in which the *principles* of the claim, as founded upon the Constitution, have been discussed. Broad assertion has taken the place of argument—a mode of discussion which never demonstrates a principle.

Now, sir, with this doctrine I am at issue, and with deference to the opinions of gentlemen taking the opposite ground, I affirm, that such a power, express or by implication, is not found in the Constitution. Look from its preamble, which declares its object, among other things, to be, "to secure the blessings of liberty" to its close, and you will look in vain for such a power. Much is said about the compromises of the Constitution, and of the compact between the North and the South about slavery; and if the South is refused admittance into the Territories with her slaves, then the compromises are disregarded and the compact broken! And this is followed up by threats of a dissolution of the Union. On the other hand, we say, that the Constitution neither creates nor establishes slavery; nor does it by any fair or legitimate construction extend, add to, or confer any new creating, continuing, extending, or supporting power, to the State laws. But, sir, I will proceed to notice the several provisions relied on by the South, and consider the objects, the intention and understanding of the members of the Convention, in adopting those provisions.

Here Mr. EVANS, of Maryland, rose to a point of order, and said, the bill now under consideration was a bill making appropriations for the payment of revolutionary pensions. The gentleman from New York [Mr. PUTNAM] was discussing the question of slavery in the Territories.

After some remarks by Messrs. EVANS, DUER, and others—

The CHAIRMAN (on the point of order of Mr. EVANS) decided that, under the uniform practice, a wide range of debate had always been allowed in Committee of the Whole on the state of the Union, and that the Chair, therefore, did not feel authorized to declare the remarks of the gentleman from New York [Mr. PUTNAM] out of order.

Mr. EVANS appealed from the decision of the Chair. The question was then taken, and the decision of the Chair (declaring the remarks of Mr. PUTNAM in order) was sustained by the committee. So the decision of the Chair was affirmed.

Mr. PUTNAM said, if his friend from Maryland ever intended to confer a favor on him, it could hardly come more seasonably than at this time—and thanked the honorable member for raising the point of order, as the delay occasioned in considering and disposing of it, furnished an opportunity for a little rest, very acceptable on this extremely warm day.

Mr. P. then resumed his remarks.

When called to order, Mr. Chairman, I was about to enter upon a discussion of the clauses of the Constitution, relied upon by the South in support of their claim, and having the favor of the committee to continue, I will, in the first place, refer to the clause relating to fugitives from labor:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Each State forms an independent government, having power to establish its own municipal regulations, social, civil, and political—subordinate only to the provisions and reserved powers of the Federal Government. But as the slave had the power to change his location and thus place himself beyond the right of recaption under State laws, the necessity of providing against such a contingency was too apparent to be lost sight of, and the result was, the adoption of the fugitive clause, which authorizes and justifies the owner in pursuing him where the laws of the State giving the right of slave property have no force. Its authority is to recapture and take back into his own State—not to transport out of it. The owner avails himself of the power the moment he crosses into the free State in pursuit of his slave. It may be said to accompany him as a shield of protection, until he shall retake his slave and recross his State line, where his own municipal regulation comes to his relief. *Then* the clause will have performed its particular office, and the local law affords him ample protection. No one can fail to see that the only object or design of the provision, is, to facilitate the recapture of a runaway slave, who had seen fit to contemn a local authority restrictive of his liberty. It is clear, that as a rule of law the clause has effect in no respect, except to *recapture*, and this only where it is to be *executed*.

Legislative power in restraint of natural and inherent rights when exercised, should be done cautiously. Such a law should be construed strictly, should be explicit in its language, and its construction never left to implication. How is it possible, then, under this plain and explicit clause, that slaves can be taken into the Territories and the right of property be protected? Still this is one of the results, as is claimed, arising under it. The clause is remedial, the object specific, and for the purpose intended is ample, and there it has its limit. A remedial statute can never be construed against its strict letter. A special power is ever to be strictly pursued, and especially one in restraint of personal liberty, and all others not ex-

pressed, are necessarily excluded. The power to recapture in another State, and a power to hold and protect in the Territories, are separate and distinct powers. They must be founded on different grants—each must have its own separate derivation, for the reason that they are different powers. Hence we see it is impossible, that the clause referred to can sustain this southern claim of protection.

The intent also being the guide to a proper construction, can it be credited for a moment, that any member of the Convention had in view any design in adopting the clause, further than to provide a remedy for the object particularly referred to? These are some of the ordinary and well-settled rules which apply in the construction of statutes, and the same are applicable to the fundamental law of the land.

I am gratified, Mr. Chairman, to find my views sustained (whether intentionally or by inadvertence, I know not) by the honorable member from Alabama, [Mr. HILLIARD.] In his speech is the following clause: "It will be observed, sir, that no power was asserted by the Convention over slavery; they did not undertake to control it; on the contrary the slaveholding States then asserted, as they now assert, that the *right to hold slaves* was independent of the Constitution." In the same speech, he also approvingly quotes the language of one of the most able men of the country, Mr. Sargeant, of Pennsylvania, sustaining the sentiment, "that the right of the slaveholding States in their property *is paramount to the Constitution itself!*"

The principle here intended to be asserted, is, that the right to hold slaves is *independent of, not relying upon*, the Constitution, or, in other words, that it is wholly a State regulation. I am happy to find the honorable member so fully indorsing the correctness of my premises, the corollary of which does so effectually exclude the propagation of slavery from the public domain.

Another clause of the Constitution upon which the South relies as a part of the compact, favoring the southern policy of protection, is the following: 'Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, *three fifths of all other persons.*" In construing statutes we are to be governed by the intention, as well as the letter of the law-maker. And having ascertained the intention of the Convention, we have no right to give to the provision a construction not necessary for, or beyond the accomplishment of its immediate purpose. Now, sir, I ask, what was the object before the Convention? It will be noticed that it was to establish one of the branches of the legislative department of Government—the House of Representatives; and the clause was framed and the rule so settled, that the *people*, and not the *property* of the country, should form the basis of the representation. In thus establishing the rule, it was just and equitable that the citizens of the country who have a right to participate in the affairs of the Government, and in the political and civil relations of the Republic as one great political family, and those only, should form the basis of the representation. This, however, did not satisfy the South, for it would give them but a small representation, and they insisted that slave property should constitute an element of the rule. This proposition was earnestly opposed, and hence arose a contest which well-nigh broke up the deliberations of the Convention. A compromise, however, was made by adding to the whole number of *free persons*, *three fifths of all other persons*, and on this basis, the representation was settled. Now to say that anything else is found in this clause save the question of apportionment and taxation, or that the question of property in slaves was established or protected by it, or that even such an idea was entertained by the Convention, is not only a wrong interpretation, but an utter perversion of language. If the Convention designed to afford such protection to slave property, it is reasonable to suppose that it would have been expressed in clear and distinct language. Instead of this we find a studious avoidance of anything in the Constitution recognizing the relation of master and slave. The Convention refused to commit itself as a body to the recognition of the institution of slavery. Hence the term designating a state of chattel servitude finds no place in the fundamental law.

Sir, let not the South murmur at the advantages we say she enjoys under the compromises of the Constitution; she has no occasion to do so. Northern property finds no representatives on this floor. Ours are the representatives of freemen—twenty-one of theirs, sir, are based upon the chattel property, absolute and unqualified, existing only by local laws. This adds greatly to their power, and abates just so much from ours. It is in the *bond*, and we make no complaint.

That branch of the clause relating to taxation affords no aid in support of slavery. A direct tax need never occur, under a wise and prudent administration of the Government. It was evidently conceded as some equivalent for the privilege of the slave representation. The whole clause, however, treats the slave as a *man*, and not as *property*, and is destitute of every element necessary to sustain the right to transport and give protection to slave property in the Territories of the Union. But, sir, I pass on to notice another clause:

"The migration or importation of such persons 'as any of the States *now existing* shall think 'proper to admit, shall not be prohibited by the 'Congress prior to the year one thousand eight 'hundred and eight, but a tax or duty may be im-'posed on such importation, not exceeding ten 'dollars for each person."

This clause, referring to the foreign slave trade, is also relied upon as affording such a national *recognition*, as to sustain the right of protection. Such a doctrine is not found in the language of the clause. What was the *intention*? To answer this question, let us refer to *facts* and the *occasion* of this provision. At that time a large commerce was carried on in the foreign slave trade. The injustice and cruelty of this feature of slavery was so apparent, that the Convention, in the spirit of the day, saw fit to fix a period of time when legislation might interpose against its further continuance. In effect, it was a reservation of power, and abolition of the traffic was the design. In 1807, Congress exercised this power of prohibition, inflicting penalties on those engaging in the foreign

slave trade, and which still remain the law of the and.

True, sir, this clause is a *recognition* of slavery, but only to stamp condemnation upon one of the sources of its existence, and instead of affording protection, it prepared the way for the abolition of an infamous crime, an offence against the laws of God and of man, meriting and receiving the highest punishment known to human laws. Still, upon this clause, it is claimed, arises a compact between the North and the South. It is a well-settled rule of law, that a contract made to do an act which would subject the party to a criminal punishment, is void, and no court will enforce its execution.

Mr. Chairman, I have noticed and reviewed all the clauses of the Constitution which I understand are claimed to have a bearing upon the question, viz: that relating to representation, to fugitive slaves, and the foreign slave trade. And to me the wonder is, that any person, even under the force of strong prepossession, can fail to see at the first glance of the mind, that the two former provisions were never designed to *establish*, *extend*, or *protect* slavery; nor as a result can they produce that effect. And by no rule of reasoning whatever can the abolition clause, relating to the foreign slave trade, be considered as sustaining this Southern doctrine. To me it looks like great folly to claim that the Constitution permits the master to take his slaves into the Territories, and there protects him in his right of property. Such a use of the public domain was never intended, and as a constitutional right has no foundation. The South may enslave her fellow-man, until her slavery shall make barren her soil, and dry up every source of her enterprise. But, sir, let the nation beware how far it sanctions its extension, lest that Power which has hitherto so carefully watched over its well-being, shall bring about the fulfillment of the prediction of Mr. Jefferson, "So true as there is a God in Heaven, so true will this nation be punished for its slavery." And, sir, are we not near the realization of the punishment? Revolutionary language has been as common in this Hall as household words. For four weeks the business of legislation was suspended, during which time the Constitution was trampled under foot, and disorder and confusion held dominion over the Hall of legislation. The progress of legislation during the entire session thus far, has been retarded and held in check by the influence of slavery. And, judging from appearances, the purpose of some seems to be settled, to bring upon the country civil war, unless the boundaries of slavery can be further extended. Such an event I do not anticipate. Though her language may be imperious, and revolutionary in its character, yet to such an *extremity* I am not prepared to believe the South will *venture* to go. Should a civil war be forced upon the country, time will never efface from its history the fact, that the occasion, was the demand, that a portion of the public domain, NOW FREE, be converted into SLAVE territory; affording to the world a new illustration of the principles of a free and republican form of government, as little likely to be imitated by other nations, as to contribute to the honor of ours!

The South seems to forget that this institution and its property is different from every other institution and every other kind of property, and that it is dependent upon local authority for its existence at all. The North will never consent to its furth extension. With them it is a question of princ ple—with the South of property in human being with the North of humanity and liberty—with t South of slavery and bondage.

As to the justice of the claim, aside from t question of constitutional right, the early histo of the nation may afford us some light. My r view, however, shall be brief. Under the Articl of Confederation, the ordinance of '87 was esta lished over the nortwestern territory, and contain the clause which gave it freedom from slaver At that early day there was but little difference opinion about slavery. The sentiment of t country was against it. The unanimity with whi it passed in Congress of the Confederation, a afterwards received the approval of the first Co gress under the Constitution, should be satisfa tory evidence, that the general sentiment was o posed to extension of slavery, and that all, nearly the whole country, looked forward to i final extinguishment. The fact that anti-slave was thus early approved and attached to the fir territorial government, now constituting several the most flourishing States of the Union, goes f to determine two points: *First*, that the sentime of the country was against slavery, and for fre dom. *Second*, that it was not to be suffered to e tend beyond the then existing States, and prohib tion was then the settled purpose of the countr The constitutional Convention, in effect, reaffirm the ordinance by the clause relating to the forei slave trade. As already noticed, the power of pr hibition of the trade was suspended until 1808, b the northwestern territory was not included in t suspension. The language is, "The migration importation of such persons as any of the *State now existing*," &c. The power of Congress the was left open, to legislate at any time again the slave trade as to the Territories or any futur admitted States. The sentiment of the count was further and fully illustrated, and in the mo *effectual* manner, by the abolition of slavery fro several of the States where it existed.

Slavery is opposed to the institutions of t country. We profess to be a nation of freeme enjoying rational liberty in its largest extent. O profession rests not merely in assertion, but t archives of the nation bear record evidence of i To our shame the profession is false—the record not sustained by our practice. The statesmen the early days of our Republic stamped disappr bation upon the system. Slavery was among u it could not be eradicated at once; but evidentl they anticipated its future abolition. The leadi men of that day, including Washington, Jefferso and Madison, looked upon it as a national evil- as a living slander upon our institutions, and d sired its eradication.

If we desire to know the opinion of more mo ern times about slavery as a natural and mor evil, impairing every enterprise of the countr we have it in a full-length portrait, drawn in t Virginia Legislature in 1832, when there was protracted discussion upon the subject of sl very. It was not the work of one artist, b of men, chosen and selected by the people, f their eminent abilities and experience. Son of the master limners of the State did not fail present slavery in glowing colors and bold relie with its desolating influences upon every depar

ent of the social and business world. Had I me, sir, it would afford me pleasure to refer to me specimens of the work. Among them I cognize the hand of the honorable member from irginia, [Governor McDowell.] Liberty owes him a debt of gratitude for his eloquence and dependence on that occasion; history will praise m, and the day will come, (though it may be ter he shall be numbered with his fathers,) when is words and the proceedings of that Legislature ill again speak, and have their persuasive influ- ice upon the mind of this "Mother of States."

I am opposed, Mr. Chairman, to the compro- ise bill of the Senate. The union of several and ntirely different propositions, in the same bill, is bjectionable. It presents a system of log-rolling, angerous in legislation and unauthorized by any arliamentary law. It embraces palpable error, nd the principle is opposed to honest legislation. Why are measures, diverse and in no respect ongenial with each other, blended together, un- ss it be to carry through other measures, by anging on to the skirts of California, and thus rag in their passage? A proposition that cannot and alone and upon its own merits, should not and at all. This is a system of legislative co- cion, for which even the claims of California r admission into the Union, strong as they are, an furnish no apology. Members may favor some f the propositions, and their judgment and honest onviction oppose others. Let this compromise octrine of legislation prevail, and what becomes f the integrity and independence of the represent- ive? He but compromises his conscience by aying, give me my proposition, and I will yield o your unjustifiable demands.

The design of this compromise measure may e pure, and founded in the best motives, but the rinciple is fraught with mischief and inculcates ne doctrine, "*let us do evil that good may come.*" Had Senators retained their first position, and one for California disembarrassed from "entan- ling alliances," she might now be in the posses- ion of a State government, and her Representatives nembers of the national councils.

The plan of the late and lamented President is ree from such incongruity, and no other could ave been devised so unexceptionable or so just in rinciple. Without the force of precedent, there ould be no objection to the admission of a State nto the Union which had not undergone the pupil- ge of a territorial government; but we are not vithout authority, several States having been ad- nitted under the same circumstances.

Has the Territory sufficient population? and does ier constitution present a republican form of gov- rnment?—are questions which should determine he action of Congress. These are the only ques- ions, and if the facts furnish an affirmative answer n the case of California, she is entitled to full ad- nittance as a State into the Union. The Territory was one of the sister States of a neighboring Re- public, and comes to us through the treaty with Mexico. She asks, in her new relations, to be adopted one of the daughters of our Republic, with all the rights and privileges of that relation. For his her native population has a claim under the reaty which severed her from her former connec- ions; and our own citizens, who have joined in the rush of emigration thither in tens of thousands, demand this recognition by the Government. But, sir, against the recommendation of the late Execu- tive in his annual and special messages to Congress —against the urgent and unanimous solicitations of her people, and against every principle of jus- tice, slavery interposes, and demands, as a condi- tion of her admission, the passage of several provisions having no connection whatever with the people of California.

Will Congress force upon her, or upon any other Territory, an institution not of its choice, but offensive, and which she deems opposed to her welfare?

Had the President recommended a territorial government with slavery, it would have met with opposition from the North; or with the ordinance of '87, it would have been equally exceptionable to the South; or had he recommended a territorial organization, silent upon the great agitating ques- tion, it would not be satisfactory to the North, without the application of the proviso; for the Calhoun doctrine *then* is, that the Constitution would protect slave property; and though this doc- trine may be universally discredited in the North, yet this southern assumption justifies and demands its application. The result in either case, there- fore, would have proved its rejection. The Pres- ident's plan leaves the question with the people of the Territory, to decide for themselves. This they have done, and done it in accordance with natural rights and their own best interests. In the purity of his motives, and the wisdom of his plan, is plainly seen his desire for the peace and har- mony of the Union, and for the country its lasting prosperity.

Mr. Chairman, I repeat, that in my opinion, the claim of the South for protection in the Terri- tories has no constitutional foundation; that it is a mere pretence, holding out the appearance of a right which cannot be sustained; and she must rely upon some other expedient for its support. And what can it be? She talks about the treasures of money and blood expended in obtaining the acquisitions. True, sir; and the free States ap- propriated their full share of the expense of the conflict, and are now willing to occupy them in common upon the same even terms, and with those commodities which are universally, by all nations, deemed subjects of property. If the nation derives any honor from the possession and occupancy of this blood-bought treasure, let the honor constitute a joint-stock fund, and let the revenue of national glory (!) arising from it, be the common property, and for the joint use, of the entire Union.

Is the North under any moral obligation to give a portion of the acquisition to slavery? If it be a beneficent institution, then the argument founded upon national courtesy, may be with the South. But so far from being such, it is held by most of the civilized nations, as immoral and unjust to the last degree. Why have several nations declared by treaty compact, the slave trade piracy, but be- cause of its repugnance to the moral sense of mankind? Is not this a judgment upon its mo- rality? And where is the difference in principle or morals, whether a man is torn from his family in one of the slave States and sent to a more south- ern market and sold into bondage, or whether he is brought from a foreign shore? Slavery is the object, and slavery the end. Indeed, sir, so pal- pably wrong is the whole system, that the South will not discuss its morality, and rests solely on

political grounds. The honorable member from Alabama [Mr. HILLIARD] says in his speech, "I 'shall not consent to argue this as a moral question, 'this is no place for such discussions; the question 'is purely a political one. This Government was 'not established to regulate moral questions, but to 'protect political rights." This is a consistent conclusion to come to—the system leads to it; for no person *can* engage in the traffic of human flesh without closing his eyes, lest his moral vision be disturbed. Jefferson looked upon it as a national sin, and predicted the judgment of Heaven upon the nation, as offenders engaged in a merciless war upon human rights. And it is written by a higher than human authority, that "righteousness exalteth a nation, but sin is a reproach to any people."

Though the Government "was not established to regulate moral questions," it is not therefore to be inferred, that the nation has an unlimited license to disregard every moral principle; for there is, or should be, such a thing as political morals—the morals of the nation as a political body—a principle which should be respected in all the various departments of government, diffuse its elements into every national movement, and stand as an enduring beacon-light for the safe administration of our institutions. When morality, as a constituent principle, shall be discarded from the councils of the nation and from the deliberations of Congress, then the language of Mr. Jefferson, which I have quoted, may be engraven upon the tombstone of this Republic.

Mr. Chairman, I have intended to look impartially upon this important question, and by an honest examination of the whole subject to come to such a conclusion as to me seemed consistent with justice and in accordance with the Constitution and laws of the country. From principle I am opposed to slavery. The free States harmonize on this question, and are sending forth their sentiments not only to the States of this Republic but to the world; nor is the South without many advocates for freedom and for emancipation on some feasible grounds. Other Republics which have risen up within our day, have based their organic laws mainly upon the principles of ours with the rational addition of interdiction of slavery forever from their borders. The pupils have become wiser than their teacher.

I consider the South has no claims to any portion of the public domain for slavery under the Constitution. I regard slavery as a moral wrong and, in the language of the Supreme Court of Kentucky, is "*without foundation in the law of nature.*" It has afforded me no pleasure to take position as antagonist to a large portion of the Union—a sense of duty is my apology for so doing. I shall not regret the effort, if my discussion of the Constitution shall provoke a review of my positions, and a demonstration of the right of the South, *if and she has*, for extending slavery. It rather becomes the country fairly to discuss the question of LEGAL RIGHT, than rashly hazard an enterprise at once calamitous, the end of which no one can foresee. Under the claims of the Constitution, if at all, the South must succeed; for there is no principle found in moral or natural law that will justify her demands.

Mr. Chairman, I have no "*homilies*" for those who favor slavery extension. Besides, I am warned against such a task by the honorable member from Alabama before referred to; but I ask them to pause, and examine fairly the whole question, and count the cost in its every aspect, before they take the fatal step towards a dissolution of this Union.

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